

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RUIZ FOOD PRODUCTS, INC.,

Petitioner,

v.

MACROPOINT LLC,

Patent Owner.

Case IPR2017-02018

Patent 9,429,659

**PETITIONER RUIZ FOOD PRODUCTS, INC.'S
NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §§141 and 142, and in accordance with 37 C.F.R. §§ 90.2(a) and 90.3, Petitioner Ruiz Food Products, Inc. (“Petitioner”) appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Decision Granting Patent Owner’s Motion to Dismiss and Terminating the Proceedings entered on February 14, 2019 (Paper 22, a copy of which is attached as Exhibit A); Decision Denying Petitioner’s Request for Rehearing entered May 6, 2019 (Paper 26, a copy of which is attached as Exhibit B); and from all underlying findings, determinations, orders, decisions, rulings, and opinions regarding the *inter partes* review of U.S. Patent No. 9,429,659 (the “’659 patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal may include, but are not limited to, the following:

(i) the Board’s determination that this *inter partes* review is barred by 35 U.S.C. § 315(a)(1), and any other finding or determination (legal or factual) supporting or related to this determination; and

(ii) the Board’s termination of this *inter partes* review under 35 U.S.C. § 315(a)(1) after institution, and any other finding or determination (legal or factual) supporting or related to this determination.

Petitioner further reserves the right to challenge any finding or determinations supporting or relating to the issue above, and to challenge other

issues decided adversely to Petitioner in any orders, decisions, rulings, and opinions.

Pursuant to 37 C.F.R. § 90.3(b)(1), this Notice of Appeal is timely, having been filed within 63 days after the denial of Petitioner's Request for Rehearing.

Simultaneous with this submission, a copy of the Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal, along with the required docketing fees, are being electronically filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Date: July 2, 2019

Respectfully submitted,

/James P. Murphy/

POLSINELLI PC
James P. Murphy
Reg. No. 55,474
Matthew Frontz
Reg. No. 65,198
Ryan Murphy
Reg. No. 66,285

POLSINELLI PC
1000 Louisiana Street,
Suite 6400
Houston, Texas 77002
P: 713-374-1600
F: 713-374-1601

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on July 2, 2019, a complete and entire copy of the foregoing Petitioner's Notice of Appeal was served on Patent Owner via electronic mail directed at the following email addresses of record:

Mark Johnson
mjohnson@rennerotto.com

Luis Carrion
lcarrion@rennerotto.com

Kyle Fleming
kfleming@rennerotto.com

/James P. Murphy/
James P. Murphy
POLSINELLI PC
1000 Louisiana, Sixty-Fourth Floor
Houston, Texas 77002
Tele: (713) 374-1600
Fax: (713) 374-1601

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End (PTAB E2E), a true and correct original version of the foregoing PETITIONER'S NOTICE OF APPEAL is being filed by Express Mail (Express Mail Label # EK912077182US) on this 2nd day of July, 2019, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22314-5793

I hereby certify that on July 2, 2019, a true and correct copy of the foregoing Notice of Appeal, along with a copy of the Decision Granting Patent Owner's Motion to Dismiss and Terminating the Proceedings and the Decision Denying Petitioner's Request for Rehearing, was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, NW, Room 401
Washington, DC 20005

/James P. Murphy/
James P. Murphy
POLSINELLI PC
1000 Louisiana, Sixty-Fourth Floor
Houston, Texas 77002
Tele: (713) 374-1600
Fax: (713) 374-1601

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.